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REMARKS

As an initial matter, Applicant would like to express appreciation for the courtesy of the telephonic interview, which was extended to the undersigned on June 6, 2008.

Status of the claims

Claims 1-28, 30-38, 43, 50-63, 65, 66, 69-76 and 78-87 are pending herein.

Claims 29, 39-42, 44-49, 64, 67, 68, 77, have been cancelled.

Presently pending claims 7, 8, 14, 17-23, 26, 27, 33, 43, 51, 53, 55, 58, 59, 62, 65, 66, 69, 70, 75, 76, 78 and 79 are withdrawn from consideration by virtue of applicant's species election.

Claims 1, 3-5, 16, 20, 24, 25, 28, 34-36, 43, 73 and 74 are amended herein. Support for the claim amendments can be found throughout the specification. No new matter is added.

Claim Rejection under 35 U.S.C. 102(e) over Maseda et al. US 6,514,237 (Maseda)

Claims 1-3, 5, 6, 9, 12, 13, 15, 24, 25, 61 and 80 are rejected under 35 U.S.C 102(e) as being anticipated by Maseda. This rejection and its supporting remarks are respectfully traversed.

Moreover, this rejection is believed to be moot in view of the above amendments to the claims, including claim 1 (from which each of claims 2-3, 5, 6, 9, 12, 13, 15, 24, 25 and 80 depends), which now explicitly states that it is the conductive polymer within the active region that undergoes volumetric expansion.

With respect to claim 61, this claim is novel and unobvious over for at least the reasons discussed below in conjunction with claim 50.

Reconsideration and withdrawal of the rejection under 35 USC 102(e) is requested.

Claim Rejection under 35 U.S.C. 103(a) over Maseda

Claims 4, 10, 11, 16, 28, 30-32, 34-38, 50, 52, 54, 56, 57, 60, 61, 63, 71-74 and 80-86 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Maseda. This rejection and its supporting remarks are respectfully traversed.

Moreover, this rejection is believed to be moot in view of the above amendments to the claims, including claim 1 (from which each of claims 4, 10, 11, 16, 71-74 depends) and claim 28

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(from which each of claims 30-32 and 34-38 depend), which now explicitly state that it is the conductive polymer within the active region that undergoes volumetric expansion.

With respect to claim 50, and claims 52, 54, 56, 57, 60, 61 and 63 depending therefrom, it is noted that claim 50 is directed to a device comprising: (a) an insertable body adapted for insertion into a body lumen of a patient; (b) a device lumen within said insertable body; (c) an inflatable balloon, the interior of which balloon is in fluid communication with the device lumen, and (d) one or more electrically actuated members disposed along at least a portion of the length of the device lumen. The electrically actuated members are adapted to transform at least a portion of the length of the device lumen between (i) a radially expanded state and (ii) a radially contracted state in which the insertable body is more readily inserted into the body lumen of the patient.

Thus claim 50 requires, inter alia, a device lumen transformable between (i) a radially expanded state and (ii) a radially contracted state, which device lumen is in fluid communication with the interior of an inflatable balloon. For an example of a cross-section showing a lumen of this type, see, e.g., the cross sections of Figs. 13A-B, 16A-B and 17A-B of the present specification.

Nothing resembling such a device is taught in Maseda. While Figs. 5 and 5A of Maseda might arguably illustrate a device "lumen" that is transformable between (i) a radially expanded state and (ii) a radially contracted state, such a lumen is clearly not in fluid communication with the interior of the balloon due to the presence of the slits in the lumen that exist between the circumferentially spaced composite strands 500, which would render balloon inflation impossible.

For evidence of one or more electrically actuated members, which are adapted to transform at least a portion of the length of the device lumen between (i) a radially expanded state and (ii) a radially contracted state in which the insertable body is more readily inserted into the body lumen of the patient, the Examiner previously referenced col. 3, lines 2-6 ("the electroactive polymer strands may be integrated into various segments of the devices such that a section of the device expands in a manner which mimics a balloon in a balloon catheter or to expand an end of the probe to mimic an anchoring device".) However, for all described embodiments in which a lumen is arguably radially expanded in a fashion that mimics a balloon, this is accomplished by the use of multiple bendable strands which are circumferentially spaced

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from one another when actuated (see, e.g., Figs. 5 and 5A). Such a lumen is clearly not placed in fluid communication with the interior of the balloon, due to the presence of the spaces that exist between the circumferentially spaced composite strands 500. There is no possibility of inherency.

For at least these reasons, it is respectfully submitted that the limitations of claim 50, and claims 52, 54, 56, 57, 60, 61, 63 dependent thereon, are not met by Maseda.

In view of the above, reconsideration and withdrawal of the rejection of claims 4, 10, 11, 16, 28, 30-32, 34-38, 50, 52, 54, 56, 57, 60, 61, 63, 71-74 and 80-86 under 35 U.S.C. 103(a) are therefore respectfully requested.

Claim Rejection under 35 U.S.C. 103(a) over Maseda and US 4,793,359 (Sharrow)

Claim 87 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maseda in view of Sharrow. This rejection and its supporting remarks are respectfully traversed.

Claim 87 depends from claim 28, which is patentable over Maseda as indicated above. Sharrow, which is cited for its disclosure regarding radiopaque bands, does not make up for the deficiencies in Maseda.

Reconsideration and withdrawal of the rejection of claim 87 under 35 U.S.C. 103(a) are therefore respectfully requested.

CONCLUSION


In light of the foregoing remarks, it is believed that the rejections of record have been obviated, and allowance of this application is respectfully requested. If the Examiner believes there are still unresolved issues, a telephone call to the undersigned would be welcomed.

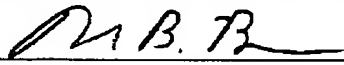
The Commissioner is also authorized to charge any fees that are due as a result of this Amendment and Response, to the undersigned attorney's PTO Deposit Account #50-1047.

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